

# Notice of Allowability

Application No.

10/089,803

Examiner

Delia M. Ramirez

Applicant(s)

CAUET ET AL.

Art Unit

1652

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/30/2004.
2. ☒ The allowed claim(s) is/are 17,20,25-28,30,32,34 and 35.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**DETAILED ACTION**

***Status of the Application***

Claims 17, 20, 25-28, 30-35 are pending.

Amendment of claims 17, 26, 32, and cancellation of claims 24, 29, 36 in a communication filed on 12/30/2004 are acknowledged.

In a telephone conversation with Deborah Yellin on 1/26/2005, an agreement was reached to amend claim 32 and cancel withdrawn claims 31 and 33 to place the application in condition for allowance.

***Examiner's Amendment***

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this Examiner's amendment was given in a telephone interview with Deborah Yellin on 1/26/2005.
3. Please cancel claims 31 and 33.
4. Please replace claim 32 as follows:
  32. A *Saccharomyces* yeast cell transformed with the rat Cyp7b gene so as to express the 7 $\alpha$  hydroxylase enzymatic activity encoded by said rat Cyp7b gene, wherein said yeast cell is further modified so as to lack an acetyl coenzyme A-pregnenolone acetyltransferase (APAT) activity when compared to wild type yeast cells; wherein the modification of the yeast cells resulting in a lack of acetyl coenzyme A-pregnenolone acetyltransferase (APAT) activity is caused by the inactivation of the *Saccharomyces cerevisiae* atf2 gene; and wherein the yeast cells are *Saccharomyces cerevisiae* cells.

Art Unit: 1652

***Reasons for Allowance***


5. The following is an Examiner's statement of reasons for allowance. Although the prior art discloses the rat cyp7b gene and the *S. cerevisiae* aft2 gene, and methods for producing hydroxylated and/or acetylated steroids, the Examiner has found no teaching or suggestion in the prior art directed to a *S. cerevisiae* cell transformed with the rat cyp7b gene and lacking coenzyme A-pregnenolone acetyltransferase activity due to inactivation of the aft2 gene, or a method for the production of hydroxylated and/or acetylated steroids by cultivation of said *S. cerevisiae* cell. Therefore, claims 17, 20, 25-28, 30, 32, 34-35, directed to (1) a *Saccharomyces cerevisiae* cell lacking coenzyme A-pregnenolone acetyltransferase activity due to inactivation of the *S. cerevisiae* aft2 gene and transformed such that it expresses the rat cyp7b gene, and (2) a method to produce hydroxylated and/or acetylated steroids with said *Saccharomyces cerevisiae* cell, are allowable over the prior art of record.

***Conclusion***

6. Claims 17, 20, 25-28, 30, 32, 34-35 are allowed.
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delia M. Ramirez whose telephone number is (571) 272-0938. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Ponnathapura Achutamurthy can be reached on (571) 272-0928. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Delia M. Ramirez, Ph.D.  
Patent Examiner  
Art Unit 1652

DR  
January 26, 2005

  
REBECCA E. PROUTY  
PRIMARY EXAMINER  
GROUP 1800  
1600